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Attorneys for Defendants Arnold Schwarzenegger, in his Official Capacity as Governor of the State of California; Edmund G. Brown Jr., in his Official Capacity as Attorney General of the State of California; and, Jack O'Connell, in his Official Capacity as the California State Superintendent of Public Instruction

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CALIFORNIA EDUCATION COMMITTEE, LLC and PRISCILLA SCHREIBER, Plaintiffs, **v.** **ARNOLD SCHWARZENEGGER, in his official capacity as Governor of the State of California; EDMUND G. BROWN, JR., in his official capacity as Attorney General of the State of California; JACK O'CONNELL in his official capacity as California Superintendent of Public Instruction; and DOES 1 through 20 inclusive,** Defendants.	07 CV 2246 BTM (WMC) **EX PARTE REQUEST FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT; SUPPORTING DECLARATION OF JEFFREY I. BEDELL IN SUPPORT OF REQUEST FOR EXTENSION OF TIME**

Defendants Arnold Schwarzenegger, in his official capacity as Governor of the State of California, Edmund G. Brown Jr., in his official capacity as Attorney General of the State of California, and Jack O'Connell, in his official capacity as the California State Superintendent of Public Instruction, pursuant to Federal Rule of Civil Procedure Rule 6(b) and Civil Local Rule 12.1 respectfully requests an extension of time to respond to the Complaint to January 11, 2008.

DECLARATION OF JEFFREY I. BEDELL IN SUPPORT OF REQUEST FOR EXTENSION OF TIME

1. I, Jeffrey I. Bedell, am an attorney duly licensed to practice law in California and before this Court. I am one of the attorneys of record for Defendants Arnold Schwarzenegger, in his official capacity as Governor of the State of California, Edmund G. Brown Jr., in his official capacity as Attorney General of the State of California, and Jack O'Connell, in his official capacity as the California State Superintendent of Public Instruction. I make this Declaration in Support of the Ex Parte Request for Extension of Time to Respond to the Complaint.

2. Plaintiffs filed their Complaint on November 27, 2007. (Docket #1).

3. The Attorney General as a named defendant was served with the Summons and Complaint on December 4. Therefore, the Attorney General's response to the Complaint is due December 24. Service was made at the Attorney General's San Diego office. Counsel for the Attorney General in this matter is in the Sacramento office and received the Complaint on December 6.

4. The Governor was served with the Summons and Complaint on December 6. Therefore, the Governor's response to the Complaint is due December 26. The Governor's Office requested the Attorney General's Office represent the Governor on December 12.

5. The State Superintendent of Education was served on December 7. Therefore, the State Superintendent of Education's response to the Complaint is due December 27. The State Superintendent's Office requested the Attorney General's Office represent the State Superintendent on December 13.

6. The Complaint brings a facial challenge on both federal and state constitutional grounds to multiple sections of the California Penal and Education Codes. Due to the complexity

of the issues presented by this action, the necessary factual investigation required of the allegations in the Complaint, and the varying dates when defendants were served and then requested representation, additional time is needed in which to formulate and prepare responsive pleadings.

8. Furthermore, due to the holiday season and vacation plans of staff counsel for the named Defendants, I have not been able to meaningfully review the Complaint with clients and formulate a response.

9. Accordingly, the Attorney General respectfully requests an eighteen day extension of time to answer or otherwise respond to the Complaint on or before January 11, 2008.

10. On December 20, I spoke with Robert Tyler, attorney of record for Plaintiffs, to request an extension of time until January 11, 2008 to respond to the Complaint. Mr. Tyler stated Plaintiffs do not oppose the request for extension of time.

11. No previous time modifications have been given in this case whether by stipulation or court order.

I declare under penalty of perjury under the laws of this jurisdiction that the foregoing is true and correct.

Dated: December 20, 2007

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

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STEPHEN P. ACQUISTO
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